



06-11-05

IFW

PATENT
Attorney Docket No. 0343-0035

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Ramiro Arrez et al.
Serial No.: 10/691,989
Filed: October 23, 2003
Group Art No.: 3652
Examiner: Not Yet Assigned
For: RECEPTACLE LIFTER WITH
RETRACTABLE GRIPPER ARMS

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P.O. Box 1450
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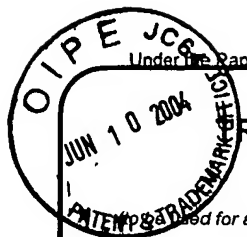
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Name: Francisca M.A. Hubbard

Signature: Francisca M.A. Hubbard

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**TRANSMITTAL
FORM**

(Use for all correspondence after initial filing)

Application Number	10/691,989
Filing Date	October 23, 2003
First Named Inventor	Ramiro Arrez
Art Unit	3652
Examiner Name	
Attorney Docket Number	0343-0035
Total Number of Pages in This Submission	

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (3 pgs.) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): - List of Publications Cited by Applicant w/encs. - Return Postal Card - Certificate of Mailing
Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Gary W. McFarron, Reg. No. 27,357
Signature	<i>Gary W. McFarron</i>
Date	June 10, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. BY EXPRESS MAIL 322848658 US			
Typed or printed name	Francisca M. A. Hubbard		
Signature	<i>Francisca M. A. Hubbard</i>	Date	June 10, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT -

Attorney Docket No. 0343-0035

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of:
RAMIRO ARREZ et al.

Serial No.: 10/691,989

Filed: October 23, 2003

Examiner: Not Yet Assigned

Art Unit: 3652

For: RECEPTACLE LIFTER WITH
RETRACTABLE GRIPPER ARMS

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Alexandria, VA 22313-1450

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NAME: Francisca M.A. Hubbard
(TYPED OR PRINTED)

SIGNATURE: *Francisca M.A. Hubbard*

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.97, as revised, Applicants hereby call the Examiner's attention to documents listed on the attached forms, which documents may be material to the examination of this application.

No inference should be drawn that any apparatus disclosed is equivalent to the subject invention. Also, the citation of the above-discussed documents is not to be construed as an assertion that more pertinent art could not possibly be in existence. Citation of any document herein is not to be construed as an admission that any subject matter disclosed in

the document is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

Applicants also respectfully reserve the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosure of those documents discussed herein, that may be cited by the Examiner in rejecting a claim in the present patent application.

ON SALE/PUBLIC USE

Applicant also wants to bring to the attention of the Examiner the facts of certain devices being on-sale and/or in public use more than one year before the priority date for the present application, that is more than one year prior to October 23, 2003.

Specifically, the lifter substantially as illustrated in Figures 3-11 of U.S. Patent No. 6,503,045 was on-sale and/or in public use prior to October 23, 2002. In addition, the Perkins Model D6080 lifter, as shown and described in the brochure "The Original Rotary Tuckaway," was also on sale and/or in public use prior to October 23, 2002.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Accordingly, it is believed that no fee is required for the submission of this Information Disclosure Statement. However, if it is determined that any fee is required, please charge our Deposit Account No. 50/1039.

Respectfully submitted,

Date:

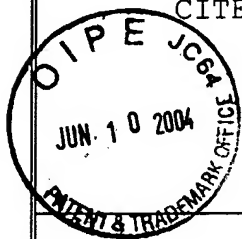
June 10, 2004

Gary W. McFarron

Gary W. McFarron

Registration No. 27,357

COOK, ALEX, MCFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
200 West Adams Street - #2850
Chicago, IL 60606
(312) 236-8500



LIST OF PUBLICATIONS
CITED BY APPLICANT

Attorney Docket
0343-0035

Serial No.
10/691,989

Applicant:
Ramiro Arrez et al.

Title: RECEPTACLE LIFTER
WITH RETRACTABLE GRIPPER
ARMS

Filing Date:
October 10, 2003

Group:
3652

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	1,475,483	11-27-23	J. Galuska			
	1,763,499	06-10-30	R. S. Bolger			
	3,040,919	06-26-62	J. R. Nolan			
	3,136,436	06-09-64	Erlinder et al.			
	3,170,580	02-23-65	Victor G. Soyko			
	3,270,902	09-06-66	E. R. Breault			
	3,279,633	10-18-66	M. J. Evers			
	3,327,876	06-27-67	B. M. Kolling			
	3,516,562	06-23-70	J.W. Knight			
	3,576,215	04-27-71	T. Cline			
	3,576,265	04-27-71	de Cordova et al.			
	3,730,365	05-01-73	Herpich			
	3,762,586	10-02-73	Updike, Jr.			
	3,773,197	11-20-73	Blakeley et al.			
	3,822,802	07-09-74	Evans, Jr.			
	3,837,512	09-24-74	Brown			
	3,841,508	10-15-74	Ebeling et al.			
	3,844,434	10-29-74	Blakeley et al.			
	3,861,547	01-21-75	Sink, Sr.			
	3,901,255	08-26-75	Pettit			
	3,944,092	03-16-76	Ebeling et al.			
	3,954,194	05-04-76	Stedman			
	3,964,624	06-22-76	Werder			
	3,987,999	09-07-76	Ryder			

FOREIGN PATENT DOCUMENTS

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OTHER PUBLICATIONS

(Including Author, Title, Date, Pertinent Pages)

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DATE CONSIDERED:

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP form. Draw line through citation if not in conformance and not considered.

Include a copy of this form with the next communication to applicant.

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	Applicant: Ramiro Arrez et al.	Title: RECEPTACLE LIFTER WITH RETRACTABLE GRIPPER ARMS
	Filing Date: October 10, 2003	Group: 3652

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	4,057,156	11-08-77	Thompson et al.			
	4,090,626	05-23-78	Ebeling et al.			
	4,091,944	05-30-78	Gollnick			
	4,096,959	06-27-78	Schaffer			
	4,113,125	09-12-78	Schiller			
	4,175,903	11-27-79	Carson			
	4,219,298	08-26-80	Stragier et al.			
	4,227,849	10-14-80	Worthington			
	4,230,359	10-28-80	Smith			
	4,237,857	12-09-80	Sharp, Sr.			
	4,295,776	10-20-81	Payne et al.			
	4,313,707	02-02-82	Bingman et al.			
	4,345,868	08-24-82	Rizzo et al.			
	4,348,147	09-07-82	Helm			
	4,363,588	12-14-82	Stickney			
	4,372,726	02-08-83	Lutz			
	4,401,407	08-30-83	Breckenridge			
	4,427,333	01-24-84	Ebeling			
	4,435,117	03-06-84	House			
	4,450,828	05-29-84	Oaken et al.			

FOREIGN PATENT DOCUMENTS

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	4,461,607	07-24-84	Smith			
	4,461,608	07-24-84	Boda			
	4,527,939	07-09-85	Suarez			
	4,538,951	09-03-85	Yeazel et al.			
	4,543,028	09-24-85	Bell et al.			
	4,548,542	10-22-85	Reese			
	4,557,658	12-10-85	Lutz			
	4,575,300	03-11-86	George			
	4,597,710	07-01-86	Kovats			
	4,597,712	07-01-86	Smith			
	4,669,940	06-02-87	Engelhardt et al.			
	4,699,557	10-03-87	Barnes			
	4,715,767	12-29-87	Edelhoff et al.			
	4,722,658	02-02-88	Wurtz et al.			
	4,726,726	02-23-88	Dossena et al.			
	4,844,682	07-04-89	Edelhoff			
	4,872,801	10-10-89	Yeazel et al.			
	4,909,564	03-20-90	Pfeifer et al.			

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*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	4,936,732	06-26-90	Naab et al.			
	4,966,514	10-30-90	Knapp			
	4,983,092	01-08-91	Richards			
	4,992,018	02-12-91	Prout et al.			
	5,002,450	03-26-91	Naab			
	5,007,786	04-16-91	Bingman			
	5,015,142	05-14-91	Carson			
	5,015,143	05-14-91	Carson			
	5,018,929	05-28-91	Carson			
	5,026,104	06-25-91	Pickrell			
	5,028,196	07-02-91	Richards			
	5,035,563	07-30-91	Mezey			
	5,049,026	09-17-91	Bingman et al.			
	5,056,979	10-15-91	Niederer			
	5,071,303	12-10-91	Carson			
	5,071,307	12-19-91	Carson			
	5,092,731	03-03-92	Jones et al.			
	5,098,250	03-24-92	Carson			
	5,114,304	05-19-92	Edelhoff et al.			
	5,163,805	11-17-92	Mezey			

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U.S. PATENT DOCUMENTS						
*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	5,205,698	04-27-93	Mezey			
	5,230,393	07-27-93	Mezey			
	5,266,000	11-30-93	LeBlanc			
	5,303,841	04-19-94	Mezey			
	5,333,984	08-02-94	Bayne et al.			
	5,344,272	09-06-94	Nuyts			
	5,360,310	11-01-94	Jones et al.			
	5,391,039	02-21-95	Holtom			
	5,466,110	11-14-95	Redding			
	5,470,187	11-28-95	Smith et al.			
	5,505,576	04-09-96	Sizemore et al.			
	5,513,942	05-07-96	Pickrell			
	5,551,824	09-03-96	Zanzig et al.			
	5,562,386	10-08-96	Browning			
	5,601,392	02-11-77	Smith et al.			
	5,639,201	06-17-97	Curotto			
	5,720,589	02-24-98	Christenson et al.			
	5,755,547	05-26-98	Flerchinger et al			
	5,769,592	06-23-98	Christenson			
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U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	5,775,867	07-07-98	Christenson			
	5,791,861	08-11-98	Seelig			
	5,797,715	09-29-98	Christenson			
	5,807,056	09-15-98	Osborn et al.			
	5,813,824	09-29-98	Zanzig et al.			
	5,829,944	11-03-98	Szinte			
	5,833,428	11-10-98	Szinte			
	5,853,277	12-29-98	Everhart			
	5,890,865	04-06-99	Smith et al.			
	6,059,511	04-06-99	Anderson et al.			
	6,095,744	08-01-00	Harrison			
	6,139,244	10-31-00	VanRaden			
	6,158,945	12-12-00	Anderson			
	6,183,185	02-06-01	Zanzig et al.			
	6,293,863	09-25-01	Carr et al.			
	6,413,031	07-02-01	Yakley et al.			
	6,439,667	08-27-02	Weets et al.			
	6,325,587	12-04-01	Wysocki et al.			
	6,551,046	04-22-03	Dorrington			
	6,503,045	01-27-03	Arrez et al.			
	20020119034	08-29-02	Arrez			
	20020141854	10-03-02	Arrez			
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	20030099529	05-29-03	Arrez			

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U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	3,211,312 3,415,169 3,147,870 2,824,658 2,480,959 3,662,910	10-12-65 12-10-68 09-08-64 02-25-58 09-06-49 05-16-72	J. P. Miller M. Naddell G.E. Urban et al. W. A. Beasley H.E. Presnell Herpich et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	WO91/05721 WO92/01612 WO93/25457 WO94/21540 EP0 078 011 EP0 312 900 EP0 405 428 DE1 226 035 SU1 253 892 DE2 051 270 BE 510235 DN 82300 2 080 757 A SU 751794 W0 91/00231 DE1 531 763	05-02-91 02-06-92 12-23-93 09-29-94 04-05-83 04-26-89 01-02-91 09-29-66 10-19-70 04-15-52 06-28-54 02-10-82 01-10-91 01-15-70	John Stephen Stephen Holtom David Borwning Jerald Zanzig Friedrich Kampwerth Bergomi S.p.A. Georg, Edgar W. Abitz et al. (In Russian) Jackisch, W. R. Rougement Tomrer Svend et al V.I.B. S.r.l. (In Russian) Georg, Edgar Holmstrom, Karl Josef			

OTHER PUBLICATIONS

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OTHER PUBLICATIONS

(Including Author, Title, Date, Pertinent Pages)

(1) Perkins Mfg. Brochure: "The Original Rotary Tuckaway," Model D6080-20K, (2 pages) (2) Zöller-Kipper GMBH Brochure "Zöller System," (11 pages) (3) Bayne Brochure Thinline® Grabber Lifter, Model GTLS 1110, undated, (2 pages)
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	<u>Applicant</u> Ramiro Arrez	<u>Examiner Name</u> Not Yet Assigned
	<u>Filing Date</u> 10/23/2003	<u>Group</u> 3652

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Sub-Class	Filing Date
	3,032,216	05/01/1962	McCarthy			
	3,327,876	06/27/1967	Kolling			
	3,732,997	05/15/1973	Reavis et al.			
	3,738,516	06/12/1973	Wells			
	3,747,785	07/24/1973	Dahlin			
	3,804,277	04/16/1974	Brown et al.			
	3,823,973	07/16/1974	Ramer			
	3,884,376	05/20/1975	Rivers			
	3,894,642	07/15/1975	Shive			
	3,931,901	01/13/1976	Jones			
	4,042,137	08/16/1977	Hughes et al.			
	4,365,922	12/28/1982	Borders			
	4,422,814	12/27/1983	Borders			
	4,479,751	10/30/1984	Wyman et al.			
	4,613,271	09/23/1986	Naab			
	4,673,327	06/16/1987	Knapp			
	4,687,405	08/18/1987	Olney			
	4,741,658	05/03/1988	Zelinka et al.			
	4,911,600	03/27/1990	Zelinka et al.			
	5,024,573	06/18/1991	Redding et al.			
	5,026,241	06/25/1991	Wyman			
	5,069,593	12/03/1991	Zelinka et al.			
	5,257,877	11/02/1993	Zelinka et al.			
	5,720,588	02/24/1998	Graves			
	3,730,365	05/01/1973	Herpich et al.			

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LIST OF PUBLICATIONS CITED BY THE APPLICANT	<u>Attorney Docket No.</u> 0343-0035	<u>Serial No.</u> 10/691,989
	<u>Applicant</u> Ramiro Arrez	<u>Examiner Name</u> Not Yet Assigned
	<u>Filing Date</u> 10/23/2003	<u>Group</u> 3652

FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class Sub-Class	Filing Date
	AT 243183	02/15/1965	Mullwagen		
	CA 622,499	06/20/1961	Dempster Brothers, Inc.		
	FR 2 272 002	12/19/1975	CIE Plastic Omnium		
	FR 2 459 779	01/16/1981	Decauville SA		
	FR 2 479 783	10/09/1981	Societe D'Equipments		
	FR 2 500 425	08/27/1982	Chaudronnerie Tolerie		
	DE 811 456	08/20/1951	Hans Zoller		
	DE 844 262	03/21/1952	Daimler-Benz		
	DE 1 236 403	03/09/1967	Jakob Naab		
	DE 2 146 653	03/29/1967	Sulo Eisenwerk Streuber		
	DE 30 24 081	01/08/1981	Manutentions et Trans.		
	WO 83/03242	09/29/1983	Wastemovers Pty. Ltd.		
	CH 358747	01/15/1962	Hans Zoller		
	CH 453203	06/14/1968	Weinmann		
	GB 291,709	06/07/1928	Brewer & Son		

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FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class Sub- Class	Filing Date
	GB 2 078 196	01/06/1982	Grover Webb & Liversidge		
	GB 2 188 302	09/30/1987	Boughton		
	EP 575 867	12/29/1993	Bayne		

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OTHER PUBLICATIONS

Examiner Initial	Include name the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, etc.), date, page(s), volume issue number(s), publisher city and/or country where published
	Lifting Mechanism for a Sanitation Vehicle, U.S. patent application Ser. No. 378,823, filed May 12, 1982, now abandoned (bearing production Nos. B984-1005), with photographs (dated Dec., 1981) (bearing production Nos. B1082-1097), photographs of a present version of the above cited reference (bearing production Nos. B1098-1110A), and other related documents (bearing production Nos. 935-937, 939, 941-947, 948-977, 979, 981, 983, 1006-1025, and 1111-1125).
	Refuse Removal Systems, Inc., "Waste Wheeler," Waste Age, 1982 (with photographs of the device bearing production Nos. B913-922).
	Rubbermaid "Mobile Toter."
	McKagen, World Wastes, "Supercan! Can...And Does," Jun. 1983, pp. 24-26.
	Waste Age, Mar. 1982, pp. 31-33.
	Zarn Model "D" sales brochure, printed prior to March 20, 2002.
	Taskmaster Lifter features/specifications from: http://www.baynethinline.com/products-taskmaster.htm

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	Arrez et al., U.S. Patent Application Serial No. 10/767,041, filed January 29, 2004, entitled "Heavy Duty Cart Lifter."
	U.S. Patent Application Serial No. 10/718,336 filed November 20, 2003, entitled "Front Mounted Lifter for Front Load Vehicle."

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